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11 **UNITED STATES DISTRICT COURT**

12 **DISTRICT OF NEVADA**

13 ACC ENTERPRISES, LLC, a Nevada
14 Limited Liability Company; ACC
15 INDUSTRIES, INC., a Nevada corporation;
16 CALVADA PARTNERS, LLC, a Nevada
17 Limited Liability Company,

18 Plaintiffs,

19 v.

20 BART STREET III, a Nebraska Limited
21 Liability Company, SOLUTIONARY, INC., a
22 Nevada corporation; DOE INDIVIDUALS 1-
23 25 and ROE COMPANIES 26-50,

24 Defendants.

25 Case No. 2:17-cv-00942-JAD-CWH

26 **ORDER GRANTING**
27 **PLAINTIFFS': (1) MOTION FOR LEAVE**
28 **TO FILE NOTICE OF VOLUNTARY**
29 **DISMISSAL; or (2) MOTION TO LIFT**
30 **STAY**

31 ECF No. 97

32 Plaintiffs ACC Enterprises, LLC ("Enterprises"), ACC Industries, Inc. ("Industries"), and
33 Calvada Partners, LLC ("Calvada" (and collectively, "Plaintiffs"), by and through counsel,
34 Fennemore Craig, P.C., hereby submit this Motion for Leave to File Notice of Voluntary Dismissal
35 (or, in the alternative, Motion to Lift Stay for the singular purpose of filing the same Notice of
36 Voluntary Dismissal).

37 DATED this 7th day of November, 2018. **FENNEMORE CRAIG, P.C.**

38 By: /s/ Brenoch R. Wirthlin
39 Brenoch Wirthlin, Esq. (Bar No. 10282)
40 *Attorneys for Plaintiffs*

MEMORANDUM OF POINTS AND AUTHORITIES

As this Court is aware, the above-captioned action is one of several currently pending in this Court: (1) Case No.: 2:17-cv-00083-GMN-VCF (“Navarro I”); (2) Case No. 2:18-cv-00751-GMN-GWF, which action was removed from the Fifth Judicial District of the State of Nevada (“Navarro II”); and (3) the instant case, which action was also removed from the Fifth Judicial District of the State of Nevada .

In Navarro I, the parties filed numerous motions with the court. Based thereon, this Court stayed the above-captioned action pending Judge Navarro's decisions as to those motions and a subsequent motion to lift the stay herein. See ECF No. 95. Judge Navarro has since issued her various decisions. See e.g., Navarro I, Case No.: 2:17-cv-00083-GMN-VCF, ECF No. 155.

Plaintiffs now seek leave from this Court, notwithstanding the pending effective stay, to file a Notice of Voluntary Dismissal as to the above-captioned case. No Defendant has yet answered, and no Defendant has yet filed a Motion for Summary Judgment. See generally, Docket; see also ECF No. 95. In the event this Court prefers a formal sequence involving the lifting of the currently effective stay before any subsequent action, including the filing of Notice of Voluntary Dismissal, Plaintiffs hereby move this Court to lift the existing stay to so enable Plaintiffs to file. See ECF No. 95.

DATED this 7th day of November, 2018.

FENNEMORE CRAIG, P.C.

By /s/ Brenoch R. Wirthlin
Brenoch Wirthlin, Esq. (Bar No. 10282)
Attorneys for Plaintiffs

ORDER

Good cause appearing, IT IS HEREBY ORDERED that the Motion to Lift Stay [ECF No. 97] is GRANTED. The stay is lifted for the purpose of dismissing this action. IT IS FURTHER ORDERED that this action is DISMISSED without prejudice, each side to bear its own fees and costs, based on the Notice of Voluntary Dismissal [ECF No. 98]. The Clerk of Court is directed to CLOSE THIS CASE.

U.S. District Judge Jennifer A. Dorsey
Dated: November 9, 2018